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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,526	07/24/2007	Jean-Luc Soulard	PF040046	2770
24498 Thomson Licen	7590 06/12/200 sing LLC	EXAMINER		
P.O. Box 5312		AMBAYE, MEWALE A		
Two Independence Way PRINCETON, NJ 08543-5312			ART UNIT	PAPER NUMBER
,			2416	
			MAIL DATE	DELIVERY MODE
			06/12/2009	PAPER

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 CFR 1.19(a). In ne ownth rowner, may a reply be timely filled in the provision of 37 CFR 1.19(a). In new ownth work, may a reply be timely filled in 18 (D) period for reply is specified above, the maximum statutory period will apply and will expire SIX (5) MONTHS from the maining date of this communication.  Fallute for reply will fine set or casteddepered for reply will by faults on become AfabriANDED (38 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any same of pater them adjustment. Set ST CFR 1.70(a)).  Status  1) Responsive to communication(s) filled on 24 July 2007.  2a) This action is FINAL.  2b) This action is on-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) 1-8 is/are allowed.  6) Claim(s) 1-8 is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) 1-8 is/are rejected to 8.20 (Claim(s) 1-8 is/are allowed.  7) The proving of the priority documents have been received.  1) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  1) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  2) Acknowledgment is made of a claim for foreign priority under 3		Application No.	Applicant(s)					
MEWALE AMBAYE   2416	Office Action Occurrence	10/593,526	SOULARD ET AL.					
The MALLING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Leateness of term may be evaluated under the provision of 3° CH1.13(%). In no event however, may a reply be timely liked  3° NO period for ruply is specified above. But missions in settlets provided all apply and vid acquis SIX (8) MONTHS from the manifest date of this communication.  5° Pallute for grow within its est or extended period for give the application to income adMANOCATIC, GISU.S.C. § 133).  Any pays received by the Critic base has those mostles after the nealing date of this communication, even if timely fleet, may reduce any seated planting of seated planting. GISU.S.C. § 130, Arrivally reply movies to the communication of this communication, even if timely fleet, may reduce any seated planting. GISU.S.C. § 130, Arrivally reply received any seated planting.  5° Status  1° ME Responsive to communication(s) filled on 24 July 2007.  2a) This action is FINAL.  2b MT his action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1.8 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  5) Claim(s) 1.8 is/are allowed.  5) Claim(s) 1.8 is/are objected to.  8) Claim(s) 2.8 is/are rejected.  7) Claim(s) 3.8 is/are objected to by the Examiner.  10) The specification is objected to by the Examiner.  10) The drawing(s) filled on 18 September 2006 is/are: a) Acquised any accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The drawing(s) filled on 18 September 2006 is/are: a) Acquised in the drawing(s) is objected to	Office Action Summary	Examiner	Art Unit					
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1)  Responsive to communication(s) filed on 24 July 2007.  2a	<ul> <li>WHICHEVER IS LONGER, FROM THE MAILING DA</li> <li>Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period w</li> <li>Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing</li> </ul>	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	<b>J.</b> lely filed  the mailing date of this α  ○ (35 U.S.C. § 133).	•				
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3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application								
		6)  Other:						

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## **DETAILED ACTION**

1. Claims 1-8 are pending.

#### Oath/Declaration

2. The oath/Declaration filed on 07/24/2007 is accepted by the examiner.

# Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

#### Information Disclosure Statement

4. The information disclosure statement filed on 09/18/06 is in compliance with 37 CFR 1.97. Accordingly, the information discloser statement is being considered by the examiner.

### **Drawings**

5. The drawings filed on 09/18/06 are accepted by the examiner.

## Claim Objections

6. Claim 1 is objected to because of the following informalities: In claim 1 lines 13, the phrase "lavels" should be changed to "labels". Appropriate correction is required.

# Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims **1, 5, 6 & 8** are rejected under 35 U.S.C. 102(b) as being anticipated by Cloutier et al (hereafter referred as Cloutier) US Patent No. 5,966,387.

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9. As per claim 1: Cloutier discloses a Device for temporal slaving in a packet data transmission network, each data packet comprising a time label (See Abstract & Col 4; lines 53-57, PCR values are time stamp (label) comprised in MPEG data packets) the said device comprising means of temporary storage (FIG. 2, Buffer 144 & Col 13; lines 7-11) intended to receive the packets received from the said network and having a storage capacity able to record data received for a predetermined time dependent on the characteristics of the network (See Col 13; lines 7-36, it eliminates jitter, the storing time in a storage means is dependent on the jitter which is depend on the characteristics of the network. Data is stored in a storage until the buffer fills up, which is for a predetermined time), the said device furthermore comprising means for regenerating a local reception clock as a function of the time label of the incoming packets (See FIG. 2, device 130 and 134 & Col 10; 53-61, detection processor output the cock 134 based on the PCR detector which is a time label), means for reading the data in the means of temporary storage at an instant dependent on the said predetermined time and on the regenerated local reception clock (Col 13; lines 26-57 & FIG. 2 (BA), Signal BA is adjusted as a function of the buffer size, i.e. the said predetermined time, and depends on the local clock); wherein the means for regenerating a local reception clock comprise sub-means for accumulating said difference between the time lavels of the incoming packets and the local reception clock during a period of time (See Col 2; lines 19-27, after calculating the difference between the time label and the internal clock to obtain an error signal which is sent to the internal signal to regenerate the internal clock based on the difference) and a sub-means for modifying in a non-linear manner the

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local reception clock according to said difference (See Col 12; 27-34 & FIG 4, Yn buffer represents the actual arrival time which is the reception clock. Xn buffer represents the expected time. Both of these signals are feed to the least square error calculator which makes the modification in a non linear manner).

- 10. **As per claim 5:** Cloutier discloses a device wherein it comprises means of reducing the phase noise (See Abstract, the device discloses how to correct jitter which is reducing the phase noise).
- 11. **As per claim 6:** Cloutier discloses a device wherein the means of reducing the phase noise comprise a digital low-pass filter (See Col 3, lines 13-23, to reduce the phase noise (jitter), the signal passes through a low pass filter).
- 12. As per claim 8: Cloutier discloses a method of temporal slaving in a packet data transmission network, each data packet comprising a time label (See Abstract & Col 4; lines 53-57, PCR values are time stamp (label) comprised in MPEG data packets) the said device comprising a step of temporary storage (FIG. 2, Buffer 144 & Col 13; lines 7-11) intended to receive the packets received from the said network and having a storage capacity able to record data received for a predetermined time dependent on the characteristics of the network (See Col 13; lines 7-36, it eliminates jitter, the storing time in a storage means is dependent on the jitter which is depend on the characteristics of the network. Data is stored in a storage until the buffer fills up, which is for a predetermined time), the said device furthermore comprising step for regenerating a local reception clock as a function of the time label of the incoming packets (See FIG. 2, device 130 and 134 & Col 10; 53-61, detection processor output the cock 134 based on the PCR detector which is a time label), a step for reading the data in the means of temporary

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storage at an instant dependent on the said predetermined time and on the regenerated local reception clock (Col 13; lines 26-57 & FIG. 2 (BA), Signal BA is adjusted as a function of the buffer size, i.e. the said predetermined time, and depends on the local clock).

# Claim Rejections - 35 USC § 103

- 13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 14. Claims **2 & 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Akiyama et al (hereinafter referred as Akiyama) US Publication No. 2005/0152213 A1.
- 15. **As per claim 2:** Cloutier discloses all the limitation of independent claim 1 except characterized in wherein the means of reading the data in the means of temporary storage are adapted for reading the data in the means of temporary storage when the difference between the said predetermined time and the regenerated local clock is greater than the value of the time label of the next packet to be output from the means of temporary storage.

However, Akiyama teaches a device characterized in wherein the means of reading the data in the means of temporary storage are adapted for reading the data in the means of temporary storage when the difference between the said predetermined time and the regenerated local clock is greater than the value of the time label of the next packet to be output from the means of temporary storage (See page 1 through 2; Para. 0018 & FIG. 2).

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Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Cloutier within Akiyama method in order to provide a time management apparatus for reducing the opportunity for a third party to tamper with time (See Abstract).

- 16. **As per claim 4:** the combination of Cloutier and Akiyama disclose a device wherein it comprises means of reducing the convergence time on start-up, said means comprising submeans for accumulating the said differences for a predetermined number of received packets and calculate a mean of said differences over said predetermined number of packets, said mean of said differences being subtracted from said differences (See FIG. 4, steps 406-418).
- 17. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cloutier, in view of Skelly et al (hereinafter referred as Skelly) US Patent No. 6,661,810 B1.
- 18. **As per claim 7:** Cloutier discloses all the limitation of independent claim 1 except wherein it comprises means for generating artificial noise.

However, Skelly discloses a device wherein it comprises means for generating artificial noise (See Col 11; 29-47, when reducing the phase noise, the artificial noise (background noise should be taken in consideration when generating the clock time).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to employ the teaching method of Cloutier within Skelly method in order to avoid variation in the delay estimation based on the packet size (Col 11; 29-47).

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Conclusion

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Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mewale Ambaye whose telephone number is (571) 270-7634.

The examiner can normally be reached on M - F, 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Trost can be reach on (571) 272-7872. The fax number for the organization

where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from their Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see <a href="http://pair-direct.uspto.gov">http://pair-direct.uspto.gov</a>.

Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free)?

If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (In USA or Canada) or 571-272-1000.

/M. A. /

Examiner, Art Unit 2416

/William Trost/

Supervisory Patent Examiner, Art Unit 2416

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